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Nicolas Béguin,
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Jusletter 5.

Moreover, most
substantive
provisions and

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structure of
most bilateral
and multilateral
investment
treaties²¹
applied by IC-
SID arbitral
panels are
identical²², and
refer to legal
concepts not
tied to any
domestic law.

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Precedent M.M.
Rodgers TDM 3

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Historically,
the issue of
precedent in
international
law was
carefully
considered for

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the first time
at the time of
the creation of
the Permanent
Court of
Arbitration in
the Hague
Conventions of
1899 and 1907.

**Use of Precedent
by International
Judges and
Arbitrators ...**

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PRECEDENT IN
INTERNATIONAL
ARBITRATION iii

ANNEX 3 ICSID

Case No.

ARB/98/2, Victor

Pey Casado and

Presidente

Allende

Foundation v.

Republic of

Chile, Award

dated May 8,

2008 (French

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original).....
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**Precedent in
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Precedent in
International
Arbitration.

About the book:
Arbitrators
routinely refer
in their
decisions to
awards rendered

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by other
arbitral
tribunals that
deal with the
same issues.

However natural
it may seem to
arbitrators and
to parties who
will refer to
arbitral
precedents in an
attempt to
support their

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position, ...
International

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Precedents in
arbitration - a
practical
position (Part
1) This article
follows a talk
Maurice Kenton,
partner in Clyde

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& Co's Global
International
Arbitration
Group gave as
part of the
Oxford Symposium
on Comparative
International
Commercial
Arbitration in
November 2017.
It is often
stated that
'there is no
precedent in

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commercial
International
Arbitration'

**Precedents in
arbitration - a
practical
position (Part 1**

...

ARBITRAL

PRECEDENT: what
a topic, given
that it is
common knowledge
that

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international
arbitration

lacks a doctrine
of precedent, at
least as it is
formulated in
the common-law
system.

Arbitral

Precedent:

**Dream, Necessity
or Excuse?**

We conclude that

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experience in international arbitration would indicate that, in precedent-deprived areas, common lawyers may be forced to amend their approach and the margin may need to become the center.

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International
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Arbitration
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Arbitration

International
arbitration is a
cause of anxiety
for common
lawyers; it may
also offer the
cure. II.

**Dreaded Dearth
of Precedent in
the Wake of
International**

...

of precedent in

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First, it
explores whether
arbitrators in
these four
regimes make
seemingly ad hoc
decisions,
instead of
decisions that
purport to be
guided and
constrained by
precedent.

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Judging-Lite: How Arbitrators Use and Create Precedent

Precedents in
International
Arbitration A
system of
binding
precedent
requires the
availability of
previous

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decisions: Hence
the importance
of law reports
in common law
but also in
other countries.

The Importance of Precedents in ICSID

Arbitration

Foreward /

Emmanuel

Guillard --The

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definitions of
"precedent" in
international

arbitration /
Barton Legum
--pt. 1.

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--Introductory
remarks / Karl-
Heinz

Böckstiegel --Is
there a need for

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consistency in
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arbitration?

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(Book, 2008 ...**

Precedents in
arbitration - a
practical
position (Part
1) For common-

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law English

lawyers this is
the intuitive

meaning of
precedent but
this article
takes a wider
view of

'precedent' to
mean 'what has
gone before' or,
as the
dictionary puts
it, 'an earlier

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event or action
that is regarded
as an example or
guide to be
considered in
subsequent
similar
circumstances'.

**Precedents in
arbitration - a
practical
position (Part 1**

•••

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Some have suggested that the doctrine of precedent has through usage and practice attained the status of International customary law.

85 Proponents of this view submit that precedent is a universal

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doctrine of customary practice and can be referred to by arbitral tribunals under Article 31(3)(c) of the Vienna Convention. 86
Whilst this argument has merit in regards to ICSID and bilateral

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investment
treaty
Arbitration
arbitrations,
reliance on
principles, such
as precedent,
which is not
confined ...

**Precedent and
development of
law: Is it time
for greater ...**
journal of

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decided cases

cited by Bracton
were "not cited
as binding
precedents,
because the
doctrine of
precedent still
lay far in the
future, but
simply as
examples," the

Where To
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awards and
International
decisions
Arbitration
reported in
ICSID Reports,
and elsewhere,
are not binding
on any future
tribunals, but
remain
persuasive
nonetheless. 5

**Precedent in
Investment**

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precedent is (or is not) likely to evolve in arbitration. I use the term "evolve" because few if any systems of arbitration are designed with the intent to create a body of

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precedent.
International

**Toward a Theory
of Precedent in
Arbitration**

Is binding
arbitration
precedent
setting?

Incidentally, I
am also curious
to know (besides
whether it can
set a precedent

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for similar
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cases to follow)
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. . . is there a
book of
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decisions? . . .

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